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10/587,407	07/26/2006	Bernard Gebelin	12928/10034	7170
23280	7590	03/08/2010		
Davidson, Davidson & Kappel, LLC			EXAMINER	
485 7th Avenue			SCHWARTZ, CHRISTOPHER P	
14th Floor				
New York, NY 10018				
			ART UNIT	PAPER NUMBER
			3657	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/587,407

**Applicant(s)**

GEBELIN, BERNARD

**Examiner**

Christopher P. Schwartz

**Art Unit**

3657

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement has been received and considered.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "...the arrangement configured to handle fuel assemblies..." as claimed in claim 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. Claims 12-18,22 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 12 it is unclear what the difference is between the "base" claimed on line 2 and the "support base" claimed on line 4. It is also unclear exactly what applicant's consider the "support pad" to be since numeral 8 is a general designation only and does not appear to represent any structure that resembles a "pad".

Claim 22 the limitation being "totally independent" is unclear as phrased. Also it is unclear what structure constitutes "...the arrangement configured to handle fuel assemblies...".

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-18,22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12 line 4 "the support base" lacks antecedent basis. Although the drawings show the "support base" generally indicated at 15 it is unclear specifically where this element is.

On line 4 applicants claim a bearing. On line 7 they claim "at least one bearing". It becomes unclear whether this is the same one claimed on line 4 or another one.

The limitation "...the arrangement connected firstly to the support plate and secondly to the support base comprising the soleplate and the bearing. ..." is unclear because it represents a method limitation in an otherwise structural claim. It becomes unclear in the instant case which statutory class of claim applicants are relying upon for patentability.

Claim 15 "the bearings" lack antecedent basis.

Claim 16 "the plurality of bearings" lacks antecedent basis.

Claim 22 the limitation on the first and last lines of "... supporting and examining a nuclear power assembly with the installation" is not understood. Method and structural limitations appear to be mixed together.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-15,19 rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai '364 in view of Fujimoto '559 and Bakker '643.

Regarding claims 12,19 as best understood and subject to the 112 rejections above, Tsai shows in the several embodiments an anti-seismic support pad 11, a base

at 32, a spherical rolling element 337, a bearing 332, a support plate at 31,331', and a soleplate—not labeled—but element below 32.

Lacking in Tsai is a showing of the soleplate not using a fastener to hold the pad in place. Also lacking in Tsai is a showing of supporting the support pad resiliently in all radial directions.

The reference to Bakker is relied upon to show in figures 2 and 3 that it is old and well known that it is not necessary to use a fastener to support the structure. Note also the bearing arrangement at 22 in figure 3. Although not applied see also the reference to Gonzalez Flores.

The reference to Fujimoto shows in the several prior art figures it is known to provide resilient support to the structure in radial directions. See figures 9,12,13,16.

Note also the multiple inherent support pads on both Bakker and Fujimoto.

One having ordinary skill in the art at the time of the invention would have found it obvious to have made the modifications taught by Bakker and Fujimoto to the Tsai patent to adapt the device to resiliently support slightly different structures.

Regarding claim 14 note the ball bearing arrangement taught by Bakker in figure 3 at 22. This could be used in Tsai given the similar structural arrangements.

Regarding claim 15 although Tsai shows a single rolling element at 337 it should be obvious that more than one could be provided simply as a duplication of like elements for the same purpose. Although not applied see the plurality of rolling elements in the reference to Robinson.

8. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. '015 in view of either Javid et al. or Fukahori et al.

Regarding claim 22 as best understood Ito et al. shows a method of assembling and inspecting a power plant that may be applied to a nuclear power station.

Lacking are the specifics of the installation having soleplates of support devices.

The references to Javid or Fukahori et al. are relied upon to show such anti-seismic support devices, free of fittings, that may be used in nuclear power plants.

***Allowable Subject Matter***

9. Claims 16-18,20,21 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P. Schwartz/  
Primary Examiner, Art Unit 3657

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